HIGH COURT OF UTTARANCHAL AT NAINITAL

Bail Application No. 999 of 2006

CRIMINAL SIDE

Naseer s/o Sri Mohmad Haneef r/o Sabripur, Thana Fathepur, District Saharanpur at present Brhampuri, Niranjanpur, near Vidhuit sub Station, Thana Patel Nagar, District Dehradun

----Accused/Applicant

Versus

State of Uttaranchal ..... Opposite Party

Case Crime No. 154 of 2006
Under Sections 398/401 I.P.C.
P.S. Patelnagar, District Dehradun

By the Court

Hon'ble Rajesh Tandon, J.

Heard Sri Mangal Singh Chauhan, Advocate for the applicant and the A.G.A. for the prosecution.

Accused applicant has applied for bail in case crime No. 154 of 2006 under sections 398/401 I.P.C. P.S. Patel Nagar, District Dehradun.

According to the prosecution case on 11.7.2006 at about 11.40 PM applicant and few others were found assembled by the

Police near a Jeweller's shop with preparation to commit theft in the shop and one of the co-accused was trying to break open the shutter by a iron rod. Applicant and others were arrested and after investigation police has filed charge sheet.

Counsel for the applicant has submitted that although the incident has taken place in the main market but the police has not tried to procure even a single public witness and all witnesses shown in the charge sheet are police witnesses.

Without expressing anything on the merit of the case, in my opinion it is a fit case for bail.

Let the accused applicant be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of the Magistrate concerned.

(Rajesh Tandon, J.)

Dated: 28.11.2006
*Dhyani